

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION
ORIGINAL SIDE

PLA/94/2024
IN THE GOODS OF –
SHAMINDRANATH SENGUPTA (DEC.)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 21st January, 2025.

Appearance:
Ms. Suchismita Chatterjee Ghosh, Adv.
...for the petitioner.

The Court : Ms. Suchismita Chatterjee Ghosh, learned Advocate, is appearing for the petitioner.

The petitioner has filed the present application for grant of probate of the last Will and Testament dated 18th June, 2005 read with the Codicil dated 3rd August, 2021.

Counsel for the petitioner submits that initially the testator has appointed his wife Sharmila Sengupta as executrix of his last Will and Testament dated 18th June, 2005. After the death of his wife, the testator has executed the Codicil by appointing the petitioner as first executor of the said Will. Accordingly, the petitioner has filed the present application for grant of probate.

Counsel for the petitioner submits that the testator died on 23rd February, 2024 leaving behind the petitioner being the son and another legal heir namely, Shalini Sengupta as daughter.

Counsel for the petitioner submits that the daughter has affirmed her affidavit stating that she has no objection for grant of probate to the petitioner as per the Will and Codicil of the testator.

Heard learned counsel for the petitioner. Perused the original Will and the Codicil and the affidavit of no objection of the daughter.

One of the attesting witnesses is common in the Will as well as in the Codicil. Accordingly, said attesting witness namely, Mr. Malay Kumar Seal has also filed his affidavit stating that the testator has executed his last Will and Testament as well as the Codicil in his presence and in presence of the other witnesses while possessing good health and fit state of mind. Initially the testator has appointed his wife as executrix but after the death of his wife, the petitioner was appointed as the first executor by way of Codicil.

Considered the original Will, original Codicil, death certificate of the testator, affidavit of the legal heir i.e. of the daughter and affidavit of attesting witness.

This Court finds that the petitioner has proved the Will and the Codicil and is entitled to get the probate.

Accordingly, the Department is directed to issue the probate to the petitioner of the Will dated 18th June, 2005 read with the Codicil dated 3rd August, 2021 upon completion of all formalities.

At the time of grant of probate, a copy of the Will and the Codicil be made as part of the probate.

Accordingly, PLA/94/2024 is disposed of.

(KRISHNA RAO, J.)